

# CHADBOURNE PARKE

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JUN 13 2003

June 13, 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St. S.W.  
Washington DC 20554

DOCKET FILE COPY ORIGINAL

Re: In the matter of Business Options, Inc., Order to Show Cause, EB-Docket No.  
03-85, File No. EB-02-TC-151, NAL/Acct. No. 200332170002, FRN:  
0007179054

Dear Ms. Dortch:

Enclosed for filing in the above-referenced docket are Business Options, Inc.'s Answers to the Enforcement Bureau's First Interrogatories for questions 1, and 3-8. Also enclosed, please find Business Options, Inc.'s Objections to the Enforcement Bureau's First Interrogatories for questions 1 and 2. We appreciate your attention to this matter.

Very truly yours,



Dana Frix  
Kemal Hawa

Enclosures

cc: Hon. Richard L. Sippel (w/encls.)  
David H. Solomon, Esq., FCC/Enforcement Bureau (w/encls.)  
Maureen F. Del Duca, Esq., FCC/Enforcement Bureau (w/encls.)  
James W. Shook, Esq., FCC/Enforcement Bureau (w/encls.)  
Trent Harkrader, Esq., FCC/Enforcement Bureau (w/encls.)  
Peter G. Wolfe, Esq., FCC/Enforcement Bureau (w/encls.)

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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JUN 13 2003

In the Matter of	)	EB Docket No. 03-85	FEDERAL COMMUNICATIONS COMMISSION
	)		OFFICE OF THE SECRETARY
Business Options, Inc.	)	File No. EB-02-TC-151	
	)	NAL/Acct. No. 30033217002	
Order to Show Cause and	)	FRN: 0007179054	
Notice of Opportunity for Hearing	)		

To: The Enforcement Bureau

**BUSINESS OPTIONS, INC.'S ANSWERS TO THE  
ENFORCEMENT BUREAU'S FIRST INTERROGATORIES**

Business Options, Inc. ("BOI"), pursuant to Section 1.323(b) of the Federal Communications Commission's ("Commission's") rules, 47 C.F.R. § 1.323(b), answers the Enforcement Bureau's First Interrogatories as follows:

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## **Interrogatory Number 1**

*Identify all employees or agents of BOI who communicated with consumers Barbara Beeson, Paul Brackett, Norman Crowley, Ida Gupta, Bessie Goodbrake, Lorie (or Laurie) Hart, Fred and Caroline Michaelis, or Beatrice Violette for the purposes of soliciting, confirming, and/or verifying these consumers' switch to BOI long distance service or their intent to cancel BOI long distance service.*

### **Response to Interrogatory Number 1**

BOI objects to this interrogatory to the extent that it is argumentative, assumes facts that are in controversy, and purports to call for legal conclusions.

A list of employees or agents of BOI who communicated with the consumers at issue for the purposes of soliciting, confirming, and/or verifying the consumers' switch to BOI long distance service follows the consumers' names below:

- a) ~~Barbara Beeson~~: ~~Amanda Bernard~~, ~~Tim Krause~~, and ~~Franchesca Parker~~
- b) ~~Paul Brackett~~: ~~Robin Doe~~, ~~Carol Mose~~, and ~~John McKee~~
- c) ~~Norman Crowley~~: ~~Melissa Grissom~~ and ~~Barabra Ballogg~~
- d) ~~Ida Gupta~~: ~~Elena Magana~~, ~~Antoinette White~~
- e) ~~Bessie Goodbrake~~: ~~Tiffany Simms~~, ~~Lekeisha Montgomery~~, and ~~Teris Rice~~
- f) ~~Lorie Hart~~: ~~Melissa Grissom~~, ~~Antoinette White~~, and ~~Michael Tothfalus~~
- g) ~~Fred and Caroline Michaelis~~: ~~Jason Rodmel~~, ~~Antoinette White~~
- h) ~~Beatrice Violette~~: ~~Elena Magna~~, ~~Aiada Izzario~~, ~~Franchesca Parker~~

**Interrogatory Number 3**

*Identify all employees or agents of BOI who wrote, reviewed, edited, and/or approved BOI's letters dated December 9, 2002 and December 26, 2002, which responded to the November 1, 2002, letter of inquiry signed by Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission.*

**~~Response to Interrogatory Number 3~~**

BOI does not have a record of a December 26, 2002 letter responding to the November 1, 2002, letter of inquiry signed by Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission.

The employees or agents of BOI who wrote, reviewed, edited, and/or approved of the

letter dated December 9, 2002, responding to the November 1, 2002, letter of inquiry signed by Colleen K. Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau,

Federal Communications Commission are as follows: Ms. Shannon Dennie wrote the responses

to Questions 1 through 6. Mr. Gene Chill wrote the responses to Questions 7, 8, 9, and 11. Ms.

Dennie also reviewed and approved of Mr. Chill's responses to Questions 7, 8, 9, and 11. Mr.

Kurtis Kintzel read Ms. Dennie's responses to questions 1 through 6, but did not conduct a

meaningful review of them.

#### **Interrogatory Number 4**

*Identify all employees or agents of BOI who wrote, reviewed, edited, and/or approved BOI's Section 63.71 Application received by the Federal Communications Commission on December 27, 2002.*

##### **Response to Interrogatory Number 4**

The employee of BOI who wrote, reviewed, edited, and/or approved BOI's Section 63.71 application received by the Federal Communications Commission on December 27, 2002, is Ms. Lisa Green. Ms. Shannon Dennie reviewed and approved of the application.

BOI's Section 63.71 discontinuance application was modeled after, and is substantially similar to, the application of Cable & Wireless USA, Inc. to discontinue service under Section 63.71 of the Commission's rules, which was forwarded by fax to Ms. Lisa Green by Mr. Jon Minkoff of the Commission's staff on December 19, 2002, to serve as a template document.

On December 20, 2002, Ms. Lisa Green transmitted by fax a copy of BOI's Section 63.71 discontinuance application to Mr. John Adams of the Commission's staff, with a note stating "Please let me know if I am missing anyone or anything. Thank you! You have been a lot of help! Have a great holiday! Lisa."

#### **Interrogatory Number 5**

*Identify all employees or agents of BOI who wrote, reviewed, edited, and/or approved all of BOI's slamming complaint reports filed with the Federal Communications Commission since January 1, 1998, as required by 47 C.F.R. § 64.1180.*

##### **Response to Interrogatory Number 5**

BOI has not filed a slamming complaint report with the Commission under 47 C.F.R. § 64.1180 since January 1, 1998.

**Interrogatory Number 6**

*Identify all employees or agents of BOI who wrote, reviewed, edited, and/or approved all of BOI's registration reports filed with the Federal Communications Commission since January 1, 1998, as required by 47 C.F.R. § 64.1195.*

**Response to Interrogatory Number 6**

BOI has not filed a registration report with the Commission under 47 C.F.R. § 64.1195 since January 1, 1998.

**Interrogatory Number 7**

*Identify all employees or agents of BOI who wrote, reviewed, edited, and/or approved the "Final Stipulation for Resolution of All Outstanding Matters" signed September 12, 2002, by William Brzycki on behalf of BOI, and signed September 18, 2002, by Sarah Hoffman, Special Counsel of the Department of Public Service (of the State of Vermont) in Docket No. 6729.*

**Response to Interrogatory Number 7**

William Brzycki was the employee of BOI who reviewed and edited, and Kurtis Kintzel the employee who approved, the "Final Stipulation for Resolution of All Outstanding Matters" signed September 12, 2002, by William Brzycki on behalf of BOI, and signed September 18, 2002, by Sarah Hoffman, Special Counsel of the Department of Public Service (of the State of Vermont) in Docket No. 6729.

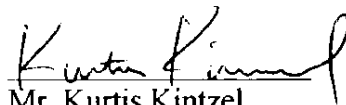
**Interrogatory Number 8**

*Identify all employees or agents of BOI who communicated with Qwest Communications relating to change requests to switch the telephone service of Barbara Beeson, Paul Brackett, Norman Crowley, Ida Guptill, Bessie Goodbrake, Lorie (or Laurie) Hart, Fred and Caroline Michaelis, or Beatrice Violette.*

**Response to Interrogatory Number 8**

All change requests are submitted to Qwest electronically, thus there is no direct communication between Qwest and BOI. Shalonda Robinson is BOI's "Delivery Manager." Ms. Robinson manages the BOI division that handles customer change data entry, and transmits such information to Qwest electronically.

Respectfully submitted,



Mr. Kurtis Kintzel  
President, Business Options, Inc.  
1443 E. 84th Place  
Merrillville, IN 46410  
(219) 791-9110 (phone)  
(219) 791-9197 (fax)

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	EB Docket No. 03-85
	)	
Business Options, Inc.	)	File No. EB-02-TC-151
	)	NAL/Acct. No. 30033217002
Order to Show Cause and	)	FRN: 0007179054
Notice of Opportunity for Hearing	)	
	)	
To     The Enforcement Bureau	)	
_____	)	

**AFFIDAVIT**

I, Kurtis Kintzel, President of Business Options, Inc., have read the foregoing document entitled "Business Options, Inc.'s Answers to the Enforcement Bureau's First Interrogatories," and hereby affirm that Business Options, Inc.'s Answers to the Enforcement Bureau's First Interrogatories are true and correct to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Mr. Kurtis Kintzel  
President, Business Options, Inc.

June 12, 2003



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	EB Docket No. 03-85
	)	
Business Options, Inc.	)	File No. EB-02-TC-151
	)	NAL/Acct. No. 30033217002
Order to Show Cause and	)	FRN: 0007179054
Notice of Opportunity for Hearing	)	

To: The Enforcement Bureau

**BUSINESS OPTIONS, INC.'S OBJECTIONS TO THE  
ENFORCEMENT BUREAU'S FIRST INTERROGATORIES**

Business Options, Inc. ("BOI"), by its counsel, and pursuant to Section 1.323(b) of the Federal Communications Commission's ("Commission's") rules, 47 C.F.R. § 1.323(b), hereby objects to the Enforcement Bureau's First Interrogatories as follows:

**Interrogatory Number 1**

*Identify all employees or agents of BOI who communicated with consumers Barbara Beeson, Paul Brackett, Norman Crowley, Ida Guptill, Bessie Goodbrake, Lorie (or Laurie) Hart, Fred and Caroline Michaelis, or Beatrice Violette for the purposes of soliciting, confirming, and/or verifying these consumers' switch to BOI long distance service or their intent to cancel BOI long distance service.*

**Response to Interrogatory Number 1**

BOI objects to this interrogatory to the extent that it is argumentative, assumes facts that are in controversy, and purports to call for legal conclusions.

A list of employees or agents of BOI who communicated with the consumers at issue for the purposes of soliciting, confirming, and/or verifying the consumers' is set forth in the Answers of Mr. Kurtis Kintzel to the Enforcement Bureau's First Interrogatories, filed concurrently.

**Interrogatory Number 2**

*Identify all employees or agents of BOI responsible for the management or oversight of each "appropriately qualified independent third party," as that term is used in 47 C.F.R. § 64.1120(c)(3), that BOI used to verify a consumer's request to change long distance service.*

**Response to Interrogatory Number 2**

BOI objects to this interrogatory on the grounds that it is argumentative, assumes facts that are in controversy, and purports to call for legal conclusions.

Respectfully submitted,

A handwritten signature in black ink that reads "Kemal Hawa". The signature is fluid and cursive, with the first name "Kemal" and last name "Hawa" clearly distinguishable.

Kemal Hawa

Chadbourne & Parke LLP  
1200 New Hampshire Ave, NW  
Suite 300  
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(202) 974-5600 (phone)  
(202) 974-5602 (fax)

Counsel for Business Options, Inc.

June 13, 2003

### CERTIFICATE OF SERVICE

I, Kimberly Kendrick, hereby certify that true and correct copies of the foregoing documents, entitled "Business Options, Inc.'s Answers to the Enforcement Bureau's First Interrogatories" and "Business Options, Inc.'s Objections to the Enforcement Bureau's First Interrogatories" were sent by courier and first class mail to the following individuals on this 13th day of June, 2003.



Kimberly Kendrick

Copies to:

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